

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC FRANKLIN ROSSER,

Defendant.

CR 18-55-BLG-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 9, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Eric Franklin Rosser’s guilty

plea after Rosser appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of accessing with the intent to view child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) as set forth in the Indictment. Defendant further agrees to the forfeiture allegation in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 24), and I adopt them in full.

Accordingly, IT IS ORDERED that Eric Franklin Rosser's motion to change plea (Doc. 17) is GRANTED and Eric Franklin Rosser is adjudged guilty as charged in the Indictment.

DATED this 25th day of October, 2018.



Dana L. Christensen, Chief District Judge
United States District Court